REMARKS

Claims 1-3, 6, 22-27, 32-34, 37, 53-58, 63-65, 68, and 84-89 are pending.

Claims 1, 2, 6, 32, 33, 37, 63, 64, and 68 have been amended.

Claim 6 is objected to for an informality and has been amended to depend from claim 1. Withdrawal of the objection is respectfully requested.

Claims 1-3, 6, 22-27, 32-34, 37, 53-58, 63-65, 68, and 84-89 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,557,076 to Copeland ("Copeland"). Applicants respectfully traverse the rejections.

Applicant's invention relates to a method, system, and apparatus for fragment caching. In various embodiments, a fragment message header is defined to be used within a network protocol, such as Hypertext Transfer Protocol (HTTP). The message header indicates that its associated message relates to a fragment and that the fragment is cacheable. The message header likewise comprises no-cache directive data for not caching the fragment for non-fragment-supporting cache management units and caching directive data for caching the fragment for fragment-supporting cache management units. The no-cache directive data is processed to generate a no-cache instruction to a non-fragment-supporting cache management unit and the caching directive data is processed to generate a no-cache instruction to a non-fragment-supporting cache management unit. In these and other embodiments, the fragment is stored in a cache maintained by a fragment-supporting cache management unit.

In contrast, Copeland relates to relates to a method and apparatus for processing data stored in memory, such as cache memory. If data stored in the memory is invalidated, then a determination is made whether an indicator is associated with the data. If so, then the data is retrieved from its source without requiring an external request for the data. Those of skill in the art would recognize that Applicants' invention provides an indication that the fragment is non-cacheable to non-fragment-supporting cache management units and an indication that the fragment is cacheable to fragment-supporting cache management units, whereas the approach

taught by Copeland does not. Furthermore, the approach of Copeland presumes that data is already stored in memory and uses a source indicator to refresh invalidated data.

In the present office action, Examiner asserts that Copeland teaches in Col. 9, Lines 48-56, Figure 7, Item 706, that "cache it" indicates if the fragment is "cacheable" or "non-cacheable," and that if the fragment should be cached, it is determined to be cacheable. Applicants respectfully disagree. Simply stating that a fragment should be cached does not mean that it is necessarily possible to cache the fragment. As an example, a message received by a computing device may comprise a fragment and an instruction or directive to cache the fragment. However, if the computing device does not comprise a fragment-supporting cache management unit, then the fragment cannot be stored in a cache. Said in other words, providing an instruction to a computing device may be of little or no use if the computing device does not have the means to perform the instruction.

To further delineate these distinctions, independent Claims 1, 32, and 63 have been amended to recite that the message header comprises no-cache directive data for not caching the fragment for non-fragment-supporting cache management units and caching directive data for caching the fragment for fragment-supporting cache management units. Independent Claims 1, 32, and 63 have likewise been amended to recite determining whether a cache management unit is a non-fragment-supporting cache management unit or a fragment-supporting cache management unit; processing the no-cache directive data to generate a no-cache instruction to a non-fragment-supporting cache management unit; and processing the caching directive data to generate a no-cache instruction to a non-fragment-supporting cache management unit. According, skilled practitioners of the art would not consider the invention of Copeland to be equivalent to the present invention as Copeland fails to disclose no-cache directive data for not caching the fragment for non-fragment-supporting cache management units and caching directive data for caching the fragment for fragment-supporting cache management units.

For the reasons set forth hereinabove, all pending claims are patentable over the art of record and the rejection of the pending claims under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,557,076 to Copeland should be removed.

CONCLUSION

In view of the amendments and remarks set forth herein, Applicants respectfully submit that all pending claims are in condition for allowance. Accordingly, Applicants request that a Notice of Allowance be issued. Nonetheless, should any issues remain that might be subject to resolution through a telephone interview, the Examiner is requested to telephone the undersigned at 512-338-9100.

CERTIFICATE OF TRANSMISSION

I hereby certify that on October 20, 2009, this correspondence is being transmitted via the U.S. Patent & Trademark Office's electronic filing system.

/Gary W. Hamilton/

Respectfully submitted,

/Gary W. Hamilton/

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